

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, the specification and claims 1, 2, 8 and 9 have been amended.

It is respectfully submitted that claims 1-33 are pending and under consideration. No new matter is being presented and approval of the amended specification and claims is requested.

I. CHANGES TO THE SPECIFICATION

The Specification has been amended to describe the changes to the Drawings herein. The paragraph beginning at page 7, line 37, is amended to recite that the coils can be arranged in flat form and secured, and the magnets (1) are connected to the moving member, as shown by the changes to Fig. 5B and further explained in the description of Fig. 29.

The paragraph beginning at page 20, line 17, is amended so that it refers back to Fig. 5B, which shows the coils arranged in flat form while the magnets are connected to the moving member, as provided in the description of Fig. 29.

No new matter is presented, and approval of the amended Specification is respectfully requested.

II. CHANGES TO THE DRAWINGS

In the Office Action, on pages 2-3, the Examiner objects to the Drawings under 37 C.F.R. §1.83(a) for not showing every feature of the invention specified in the claims. In order to overcome these objections, replacement figures are submitted herewith.

In Fig. 5b, "1" and "2" are changed to "1(2)" and "2(1)", respectively, to show that the actuator comprises a set of magnets and a set of coils, wherein either set can be arranged in a flat form, while the other set is connected to a moving member and moveable with respect to the set arranged in a flat form. Therefore, the recitations of claims 2, 9 and 33 (i.e., coils arranged in a flat form, magnets facing the coils and a moving member connected to the magnets), are depicted.

No new matter is presented and approval of the changes to the Drawings is respectfully requested.

AMENDMENTS TO THE DRAWINGS:

The attached drawing(s) include changes to Fig. 5B. The sheet containing Fig. 5B replaces the original sheet including Figs. 5A through 5C.

In Fig. 5B, "(1)", corresponding the magnets, and "(2)", corresponding to the coils, have been added. The drawing sheet is labeled in the top margin as "Replacement Sheet" pursuant to 37 C.F.R. 1.121(d).

III. REJECTIONS OF CLAIMS 1, 2, 6, 7, 32 AND 33 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER SOMA (U.S. PATENT NO. 5,327,162) IN VIEW OF WATANABE ET AL. (U.S. PATENT NO. 6,816,049)

The rejections of claims 1, 2, 6, 7, 32 and 33 are traversed and reconsideration is respectfully requested.

Watanabe et al. (hereinafter "Watanabe") has a U.S. filing date of March 11, 2003, which is before the U.S. filing date of the present application, being July 24, 2003. However, Applicants are entitled to the priority date of October 25, 2002, which is the filing date of the priority Japanese application (Japanese Patent Application No. 2002-311580). A verified translation of the priority application is attached hereto. Applicants request that the Examiner accord the priority benefit date of October 25, 2002 to the present application.

It is submitted that Watanabe, therefore, is not applicable prior art against the present application.

Furthermore, regarding claims 1, 2, 32 and 33, the Examiner states that Soma discloses an actuator with a moving member [31] with a first holding member [23] that holds the moving member in such a manner that the moving member can slide within a predetermined range. The moving member has a second holding member [24] that holds the first holding member in such a manner that the first holding member can slide within another predetermined range in a direction perpendicular to the sliding direction of the moving member. (See page 4 of the Office Action).

In actuality, the device in Soma has a first holding member [23] movable in the x direction and a second holding member [24] moveable in the y direction. However, the second holding member does not hold the first holding member in such a manner that the first holding member can slide within a predetermined range in a direction perpendicular to the sliding direction of the moving member, as recited in independent claims 1, 2, 8, 9, 32 and 33 of the present application.

Therefore, it is submitted that independent claims 1, 2, 8, 9, 32 and 33 patentably distinguish over Soma and Watanabe. The dependent claims thereof inherit the patentable recitations of their base claim and, thus, are patentable over the references.

IV. ALLOWABLE SUBJECT MATTER

On page 6 of the Office Action, the Examiner states that claims 3 and 4 are objected to

as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In view of the foregoing arguments, it is respectfully submitted that claim 1 is not obvious in view of Soma, in view of Watanabe. Claims 3 and 4 depend from and inherit the patentable distinctions of claim 1 and, therefore, are patentable as they stand.

V. PHONE CALL TO THE EXAMINER

In the Office Action, on page 2, the Examiner asserts that there are no allowable generic claims encompassing the inventions as recited in independent claims 1, 2, 8 and 9. Therefore, claims 5 and 8-31 are withdrawn from further consideration pursuant to 37 C.F.R. §1.142(b), as being drawn to a nonelected species.

On a telephone conversation with the Examiner regarding this issue, on or about April 29, 2005, the Examiner stated that if the objection to the drawings and the rejections of generic claims 32 and 33 are overcome, then Applicants will be entitled to consideration of claims 5 and 8-31.

It is respectfully submitted that, in light of the foregoing, the objections to the drawings and the rejections asserted by the Examiner are overcome. Thus, consideration and approval of claims 5 and 8-31 are requested.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot and, further, that all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

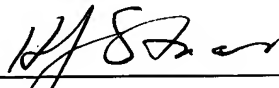
Serial No. 10/625,727

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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